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OFFICE OF PETITIONS

In re Application of	:	
Olof Schybergson et al.	:	
Application No. 10/715,161	:	DECISION ON PETITION
Filed: November 17, 2003	:	
Attorney Docket No.:	:	
042933/269783	:	
Title: TOPOGRAPHIC PRESENTATION	:	
OF MEDIA FILES IN A MEDIA DIARY	:	
APPLICATION	:	

This is a decision on the petition filed August 9, 2004, requesting that Figures 9 and 10 be accorded a filing date of November 17, 2003, as part of the original disclosure.

The application was deposited on November 17, 2003. However, on July 29, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application (notice)", stating that the application had been accorded a filing date, and advising applicants that the application appeared to have been deposited without Figures 9 and 10. The notice further indicated that an executed oath or declaration, along with the associated surcharge, would be required. The notice set a two-month period for response.

In response, on August 9, 2004, applicants filed the present petition. The petition is further accompanied by a copy of Figures 9 and 10, along with a copy of applicants' postcard receipt acknowledging receipt of "No. of Drawing Sheets 10" in the United States Patent and Trademark Office (Office) on

November 17, 2003. Applicants request that Figures 9 and 10 be accorded a filing date of November 17, 2003 as part of the original disclosure.

It is noted that 8 sheets of drawings have been located in the electronic file, containing figures 1 - 8.

Upon review of the record, the above-mentioned figures have not been located among the application papers. However, the evidence is convincing that the application papers deposited on November 17, 2003 included Figures 9 and 10, and the two sheets containing these figures were subsequently misplaced in the Office.

Therefore, the application, including Figures 9 and 10, was complete on filing and these four figures are entitled to a filing date of November 17, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed July 29, 2004 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of \$130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 17, 2003, using the original application papers filed on that date, as well as the Figures 9 and 10 submitted on August 9, 2004 and for indication in Office records that these figures were present on filing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.



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